

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IPY-161	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/013911	International filing date (day/month/year) 24.09.2004	Priority date (day/month/year) 25.09.2003
International Patent Classification (IPC) or national classification and IPC H04Q7/20 , G01S5/10, G01S5/14, H04Q7/34		
Applicant NEC CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/JP	Authorized officer																								
Facsimile No.	Telephone No.																								

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-33 as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 8-27 as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1, 3-7 received by this Authority on 25.07.2005
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets fig. 1-26 as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☒ the claims, nos. 2
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 8-10, 13-23, 25, 27

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 8-10 are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 13-23, 25, 27

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details.

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

The present international application includes two inventions that do not conform to the requirement of unity of invention, for the following reason.

Main Invention: Claims 1, 3 to 12, 24 and 26

Second Invention: Claims 13 to 23, 25 and 27

The "special technical feature" of the main invention pertains to "executing the position measurement process upon the recognition of the function information" prior to transmitting a content request that comprises information pertaining to the geographical location of the terminal.

[Refer to the Supplemental Box]

4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1, 3-12, 24, 26

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 3-7, 11, 12, 24, 26</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1, 3-7, 11, 12, 24, 26</u>	NO
Industrial applicability (IA)	Claims	<u>1, 3-7, 11, 12, 24, 26</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2003-228532 A (Casio Computer Co., Ltd.),
15 August 2003

Document 2: JP 11-282863 A (Seiko Epson Corp.), 15 October
1999

Claims 1, 3 to 7, 11, 12, 24 and 26

Document 1 discloses a method for acquiring position information by means of a portable telephone, wherein current position information is acquired by means of a GPS system (step 1) and then a content request that includes the acquired current position information is transmitted to a service server (step 2).

Meanwhile, document 2 discloses a technical feature wherein a user manually updates the position information for the current position of the user in advance by means of the GPS utility or the like of the user terminal (paragraph 21) and then the user acquires position-relevant information by selecting an information provision system and requesting that the information provision system provide said position-relevant information (paragraphs 22 to 29) in order to decrease the latency that results from taking GPS measurements during the process whereby a user terminal receives position-relevant

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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information from an information provision system
(paragraphs 4 and 5).

Therein, document 2 indicates that the "GPS utility" "temporarily stops the browser and acquires position information" (paragraph 4), and it can be considered to be necessary to perform some sort of key operation or to input some sort of information (the function information that is generated for each operation) in order to manually launch the GPS utility. In other words, updating the position information in the invention that is disclosed in document 2 can be considered to involve recognizing some sort of key operation or recognizing the input of some sort of information (function information) in order to launch the GPS utility. Furthermore, document 2 can also be considered to disclose a technical feature whereby a request for position-relevant information that corresponds to the position of the user terminal is transmitted to the information provision system only after the function information has been recognized and the position information for the user terminal has been updated.

Such being the case, it would have been easy for a person skilled in the art to conceive of decreasing the latency that results from taking GPS measurements in the method for acquiring position information that is disclosed in document 1 by configuring so that the position information that is included within the content request is obtained in advance by means of measurements that were initiated manually based on the recognition of a set of function information. Consequently, the inventions set forth in claims 1, 3 to 7, 11, 12, 24 and 26 do not involve an inventive step in the light of document 1 and document 2.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 8 to 10

Claim 8 is dependent upon claim 1, as amended. Consequently, claim 8 includes two conditions for the execution of the position measurement process, i.e. "cases in which the recognition unit has recognized the function information" and "cases in which the measured reception quality has exceeded a pre-set threshold value."

However, although the description of the present international application includes disclosures pertaining to each of the different conditions for the execution of the position measurement process, the description does not disclose a feature wherein the position measurement process is controlled by combining a plurality of conditions, as is demonstrated by the disclosure "...does not include the recognition unit (612), but rather is provided with and a signal quality measuring unit (1401)" in paragraph 132, for example.

Such being the case, the invention that is set forth in claim 8 cannot be considered to be fully supported by the description of the present application.

The same is true with regards to claims 9 and 10, which are dependent upon claim 8.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III

Claims 8 to 10

Claim 8 is dependent upon claim 1, as amended. Consequently, claim 8 includes two conditions for the execution of the position measurement process, i.e. "cases in which the recognition unit has recognized the function information" and "cases in which the measured reception quality has exceeded a pre-set threshold value."

However, although the description of the present international application includes disclosures pertaining to each of the different conditions for the execution of the position measurement process, the description does not disclose a feature wherein the position measurement process is controlled by combining a plurality of conditions, as is demonstrated by the disclosure "...does not include the recognition unit (612), but rather is provided with and a signal quality measuring unit (1401)" in paragraph 132, for example.

Such being the case, the invention that is set forth in claim 8 cannot be considered to be fully supported by the description of the present application.

The same is true with regards to claims 9 and 10, which are dependent upon claim 8.

Supplemental Box

Box IV

On the other hand, the "special technical feature" of the second invention pertains to providing a plurality of position measurement means that have different processing speeds and then configuring so that the content request that comprises information pertaining to the geographical location of the terminal is transmitted a plurality of times according to the position measurement means.

Such being the case, the inventions in question do not share a technical relationship involving one or more of the same or corresponding special technical features, and thus said inventions cannot be considered to be linked so as to form a single general inventive concept.